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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gary N. Hammond

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EXAMINER

GEIB, BENJAMIN P

ART UNIT

PAPER NUMBER

2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/750,150

Applicant(s)

HAMMOND ET AL.

Examiner

Benjamin P. Geib

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-12 and 14-21 have been examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: request for continued examination received on 12/22/2006.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2006 has been entered.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 17-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-21 recite a "machine readable medium", which is defined within the specification (paragraph 36 on page 12) as "any medium that can store or transfer information. Examples of a machine readable medium include... a radio frequency (RF) link, and similar media and mediums." Therefore, it is understood that applicant intends for a machine readable medium to include a signal (e.g. radio frequency link). An

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analysis of a signal per se done in accordance with the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" concludes that a signal per se is not a process, machine, composition of matter, nor manufacture and, therefore, does not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. 101. Therefore, claims 17-21 claim non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gharachorloo et al., "Two Techniques to Enhance the Performance of Memory Consistency Models" (Hereinafter Gharachorloo).

8. Referring to claim 1, Gharachorloo has taught a method comprising:  
issuing a load instruction to an execution cluster [*function units; Fig. 3*] in an out of order processor [*2<sup>nd</sup> paragraph of section 4.2 on page 5*];  
allocating an entry for the load instruction in a structure [*speculative-load buffer; Fig. 4*] for tracking only load instructions, if the load instruction utilizes speculative data [*3<sup>rd</sup> full paragraph, right column, page 6*]; and

flagging a field in a reorder buffer *[Fig. 3]* to indicate the load instruction that uses speculative data is to be checked at retirement, the field in an entry tracking program order of the load instruction *[Each instruction, including the load instruction, is allocated a location in the reorder buffer (2<sup>nd</sup> full paragraph, right column, page 5). That is, an entry (location) in the reorder buffer is flagged. This location tracks the program order of the instruction (3<sup>rd</sup> full paragraph, right column, page 5)]*.

9. Referring to claim 2, Gharachorloo has taught the method of claim 1, further comprising:

searching the structure to confirm the load data at the time of retirement *[3<sup>rd</sup> full paragraph, right column, page 6]*.

10. Referring to claim 3, Gharachorloo has taught the method of claim 1, further comprising:

invalidating the entry for the load instruction during a store instruction retirement if the store instruction conflicts with the load instruction *[last paragraph, right column, page 6]*.

11. Referring to claim 4, Gharachorloo has taught the method of claim 2, further comprising:

flushing the pipeline if the structure for tracking only load instructions does not contain a valid entry for the load instruction at load instruction retirement *[3<sup>rd</sup> full paragraph, left column, page 7]*.

12. Referring to claim 5, Gharachorloo has taught the method of claim 1, wherein the load instruction is an advanced load instruction *[The load instruction*

*has been advanced in front of a store instruction; 2<sup>nd</sup> and 3<sup>rd</sup> full paragraphs, right column, page 6].*

13. Referring to claim 6, Gharachorloo has taught the method of claim 5, further comprising:

converting a basic load instruction into an advanced load instruction *[By advancing the load instruction in front of a store instruction the load instruction is converted into an advanced load instruction; 2<sup>nd</sup> and 3<sup>rd</sup> full paragraphs, right column, page 6].*

14. Referring to claim 7, Gharachorloo has taught the method of claim 1, wherein the structure for tracking load instructions is an advanced load allocation table *[The speculative-load buffer is a table that allocates entries for speculative advanced load instructions (2<sup>nd</sup> and 3<sup>rd</sup> full paragraphs, right column, page 6) and is, therefore, an advanced load allocation table].*

15. Referring to claim 8, Gharachorloo has taught a device comprising:

a store queue *[store buffer; Fig. 4]* in an out of order processor to track only store instructions *[3<sup>rd</sup> paragraph, left column, page 6];*

a load queue *[speculative-load buffer; Fig. 4]* coupled to the store queue to track only speculative load instructions *[3<sup>rd</sup> full paragraph, right column, page 6];* and

a reorder buffer *[Fig. 3]* to track program order of instructions *[2<sup>nd</sup> full paragraph, right column, page 5]*, the reorder buffer including an entry to track program order of a load instruction *[Each instruction, including the load instruction, is allocated a location in the reorder buffer (2<sup>nd</sup> full paragraph, right*

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*column, page 5) that tracks the program order of the instruction (3<sup>rd</sup> full paragraph, right column, page 5)], the entry including a field indicating the load instruction is to be checked at retirement [The location allocated to an instruction in the reorder buffer is a field that indicates that the instruction is to be checked at retirement (3<sup>rd</sup> full paragraph, right column, page 5)].*

16. Referring to claim 9, Gharachorloo has taught the device of claim 8, further comprising:

*an instruction scheduler [load/store reservation station; Fig. 4] coupled to the store queue to schedule instruction execution [3<sup>rd</sup> paragraph, left column, page 6].*

17. Referring to claim 10, Gharachorloo has taught the device of claim 8, wherein the load queue is an advanced load allocation table *[The speculative-load buffer is a table that allocates entries for speculative advanced load instructions (2<sup>nd</sup> and 3<sup>rd</sup> full paragraphs, right column, page 6) and is, therefore, an advanced load allocation table].*

18. Referring to claim 14, Gharachorloo has taught an apparatus comprising:

*means for tracking only speculative load instructions [speculative-load buffer; Fig. 4; 3<sup>rd</sup> full paragraph, right column, page 6]; and*

*means for tracking all instructions in program order [reorder buffer; Fig. 3; 2<sup>nd</sup> full paragraph, right column, page 5] coupled to the means for tracking only speculative load instructions, comprising a field to indicate a load instruction is to be checked at retirement, the field in an entry tracking program order of the load instruction [Each instruction, including the load instruction, is allocated a location*

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*in the reorder buffer (2<sup>nd</sup> full paragraph, right column, page 5) that tracks the program order of the instruction (3<sup>rd</sup> full paragraph, right column, page 5). The location allocated to an instruction in the reorder buffer is a field that indicates that the instruction is to be checked at retirement (3<sup>rd</sup> full paragraph, right column, page 5)].*

19. Referring to claim 15, Gharachorloo has taught the apparatus of claim 14, further comprising:

means for tracking only store instruction coupled to means for tracking only speculative load instructions [*store buffer; Fig. 4; 3<sup>rd</sup> paragraph, left column, page 6*].

20. Referring to claim 16, Gharachorloo has taught the apparatus of claim 14, further comprising:

means for flushing a pipeline upon detection that a speculative load is not present in the means for tracking only speculative loads at the time of load instruction retirement [*3<sup>rd</sup> full paragraph, left column, page 7*].

21. Referring to claim 17, Gharachorloo has taught a machine readable medium having instructions stored therein which when executed cause a machine to perform a set of operations comprising:

tracking only a set of load instructions relying on speculative data in a first data structure [*speculative-load buffer; Fig. 4; 3<sup>rd</sup> full paragraph, right column, page 6*] of an out of order processor [*2<sup>nd</sup> paragraph of section 4.2 on page 5*];  
and



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tracking a set of instructions in program order in a second data structure *[reorder buffer; Fig. 3; 2<sup>nd</sup> full paragraph, right column, page 5]* having a field to indicate to check speculation in a load instruction at a time of load instruction retirement, the field in an entry tracking program order of the load instruction *[Each instruction, including a speculative load instruction, is allocated a location in the reorder buffer (2<sup>nd</sup> full paragraph, right column, page 5) that tracks the program order of the instruction (3<sup>rd</sup> full paragraph, right column, page 5). The location allocated to an instruction in the reorder buffer is a field that indicates that the instruction is to be checked at retirement (3<sup>rd</sup> full paragraph, right column, page 5)].*

22. Referring to claim 18, Gharachorloo has taught the machine readable medium of claim 17, having instructions stored therein which when executed causes a machine to perform a set of operations further comprising:

tracking only a set of store instructions in a store queue *[store buffer; Fig. 4]* of the out of order processor *[3<sup>rd</sup> paragraph, left column, page 6]*.

23. Referring to claim 19, Gharachorloo has taught the machine readable medium of claim 17, having instructions stored therein which when executed cause a machine to perform a set of operations further comprising:

invalidating allocated load instruction entries during store instruction retirement *[last paragraph, right column, page 6]*.

24. Referring to claim 20, Gharachorloo has taught the machine readable medium of claim 17, wherein the first data structure is an advanced load allocation table *[The speculative-load buffer is a table that allocates entries for*

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*speculative advanced load instructions (2<sup>nd</sup> and 3<sup>rd</sup> full paragraphs, right column, page 6) and is, therefore, an advanced load allocation table].*

25. Referring to claim 21, Gharachorloo has taught the machine readable medium of claim 17, wherein the second data structure is a reorder buffer *[Fig. 3; 2<sup>nd</sup> full paragraph, right column, page 5]*.

### ***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gharachorloo in view of Huck et al., "Introducing the IA-64 Architecture" (Hereinafter Huck).

28. Referring to claim 11, Gharachorloo has taught a system comprising:

- a first processor comprising
  - a first data cache *[D-Cache; Fig. 3]*,
  - a set of execution units *[function units; Fig. 3; 2<sup>nd</sup> paragraph on section 4.2 on page 5]*,
  - an out-of-order instruction scheduler *[reservation stations; Fig. 3]* coupled to the data cache and the set of execution units *[2<sup>nd</sup> paragraph of section 4.2 on page 5]*,

a store queue [*store buffer; Fig. 4*] coupled to the instruction scheduler to track only store instructions [*3<sup>rd</sup> paragraph, left column, page 6*],

a load queue [*speculative-load buffer; Fig. 4*] coupled to the store queue to track only speculative load instructions [*3<sup>rd</sup> full paragraph, right column, page 6*],

a reorder buffer [*Fig. 3*] to track program order of instructions [*2<sup>nd</sup> full paragraph, right column, page 5*], the reorder buffer including an entry to track the program order of a load instruction [*Each instruction, including the load instruction, is allocated a location in the reorder buffer (2<sup>nd</sup> full paragraph, right column, page 5) that tracks the program order of the instruction (3<sup>rd</sup> full paragraph, right column, page 5)*], the entry including a field indicating the load instruction is to be checked at retirement [*The location allocated to an instruction in the reorder buffer is a field that indicates that the instruction is to be checked at retirement (3<sup>rd</sup> full paragraph, right column, page 5)*];

a bus coupled to the processor [*bus between data memory and D-Cache; Fig. 3*]; and

a system memory device [*data memory; Fig. 3*] coupled to the bus.

Gharachorloo has not explicitly taught that the processor has at least a 64 bit architecture.

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Huck has taught a processor having a 64-bit architecture [*“Architectural basics” section on pages 12 and 13*].

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the processor of Gharachorloo to have a 64-bit architecture.

The suggestion/motivation for doing so would have been that the address space is advantageously increased [*1<sup>st</sup> paragraph of “IA-64 virtual memory model” section on page 17*].

29. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gharachorloo in view of Huck et al., “Introducing the IA-64 Architecture” (Hereinafter Huck), and, further, in view of examiner’s taking of Official Notice.

30. Referring to claim 12, Gharachorloo and have taught the system of claim 11 further comprising:

a second processor coupled to the bus comprising a second data cache [*The first processor is part of a multiprocessor (3<sup>rd</sup> paragraph, left column, page 6). Therefore, there is inherently a second processor that is coupled to the bus*].

Gharachorloo is silent on the implementation of the other processors in the multiprocessor and, therefore, has not explicitly taught that the second processor comprises a second data cache.

However, Examiner takes Official Notice that including a data cache in a processor is conventional and well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second processor of Gharachorloo to comprise a data cache since doing so would reduce the latency of data accesses.

### ***Conclusion***

31. The following is text cited from 37 CFR 1.111(c): In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin P. Geib whose telephone number is (571) 272-8628. The examiner can normally be reached on Mon-Fri 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin P Geib  
Examiner  
Art Unit 2181



DONALD SPARKS  
SUPERVISORY PATENT EXAMINER